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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,941	02/16/2001	Sam Cynamon	01065/RPM	4399

1933 7590 01/15/2002

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EXAMINER

BASINGER, SHERMAN D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 01/15/2002

#4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/785,941

Applicant(s)

CYNAMON, SAM

Examiner

Sherman D. Basinger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

DETAILED ACTION

1. The declaration filed under 37 C.F.R. 1.63 in response to the notice of a missing or unsigned declaration has been received.

Drawings

2. Objection is made to the drawings as originally filed as the lines, numbers and letters are not uniformly thick, well defined, clean and durable. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 4, 17 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Cleereman et al.

The rescue device is the bumper. The flotation material is 12. The flexible mesh is 34 (note that the mesh can be nylon). The bonding material is the encapsulating skin which can be a polyurethane (see column 2, line 67).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4 and 6-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cynamon in view of Cleereman et al.

The rescue device of Cynamon is made of a vinyl coated closed cell foam. A flexible mesh and bonding material is not disclosed by Cynamon. Note the flexible mesh 34 of Cleereman et al which can be a nylon mesh and note the bonding material 32, which can be a polyurethane. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide a nylon mesh as a flexible mesh similar to 34 of Cleereman et al disposed about the floatation material of Cynamon and an encapsulating skin similar to 32 of Cleereman et al bonding the floatation material and the mesh. Cleereman et al provides for the use of his mesh to produce a tough bumper. For the same reason such a mesh could be provided about the floatation material of Cynamon. A stronger rescue device would result.

With regard to claim 18, this is a choice made by one having ordinary skill in the art. By making the encapsulating skin of a thickness that the mesh will provide a texture to the surface of the rescue device, a rescue device easier to grasp will result.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cynamon and Cleereman et al as applied to claim 4 above, and further in view of Wilkie et al.

Neither Cynamon nor Cleereman et al teach making the coating or encapsulating skin of polyvinyl chloride paint. Wilkie et al uses such paint to waterproof foam cushions. It

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is desirable for the foam of Cynamon to be coated with a waterproof paint. Thus it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to use a polyvinyl chloride paint similar to that used by Wilkie et al to coat the mesh and floatation material or the combination of Cynamon and Cleereman et al.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hemphill et al is cited to show the use of a reinforcement coating and a nylon scrim on a foam collar. For Smith, attention is directed toward column 6, lines 5-8.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 703-308-1139. The examiner can normally be reached on M-F (6:00-2:30 ET).

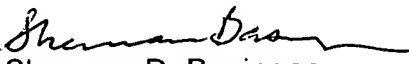
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

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Sherman D. Basinger
Primary Examiner
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January 11, 2002